

REMARKS

This paper is being filed in response to the Final Office Action mailed on June 26, 2006.

Claims 1 and 23-24 have been amended. Claim 25 has been added. A check in the amount of \$25 for the added claims fee is enclosed with this Amendment.

A Request for Continued Examination (RCE) and a check for \$395 to cover the RCE filing fee payment are being filed with this Amendment. Also, a Petition for 1-Month Extension of Time and a check for \$60 to cover the petition fee are enclosed with this Amendment. Authorization is granted to charge our deposit account no. 03-3415 for any additional fees necessary for entry of this Amendment.

The Examiner has withdrawn applicant's claims numbered 23-23 from consideration as being directed to a non-elected invention. Applicant has renumbered claims 23-23 as claims 23 and 24 and has amended these claims to depend from applicant's claim 1. Applicant submits that claims 23 and 24 are now directed to an elected invention and respectfully requests the Examiner to consider these claims. Applicant further submits that the features of these claims as well as added claim 25 are not taught or suggested by the cited art of record.

The Examiner has rejected applicant's claims 1 and 3 under 35 USC 103(a) as being unpatentable over the Peterson (U.S. Patent No. 3,178,747) patent in view of the Killins (U.S. Patent No. D402,514) patent in view of the Darrin (U.S. Patent No. 1,211,098) patent. The Examiner has also rejected applicant's claims 1 and 3 under 35 USC 103(a) as being unpatentable over the Killins patent in view of the Darrin patent in view of the Peterson patent. Applicant's claim 4 has been rejected under 35 USC 103(a) as being unpatentable over the Killins patent in view of the Darrin patent and the Peterson patent and in further view of the Sheridan (U.S. Patent No. 1,538,521) patent. Applicant's claim 5 has been rejected under 35

USC 103(a) as being unpatentable over the Killins patent in view of the Darrin patent, the Peterson patent and the Sheridan patent and in further view of the Houghton (U.S. Patent No. 614,810) patent. Applicant has amended applicant's independent claim 1 and with respect to this claim, and its dependent claims, the Examiner's rejections are respectfully traversed.

Applicant's independent claim 1 has been amended to better define applicant's invention. In particular, applicant's independent claim 1 has been amended to further define the fingernail edge of applicant's tool for performing multiple functions as intersecting the straight edge, the fingernail edge having an S-shape and sinuous curvature, the fingernail edge intersecting the straight edge at a first end of the S-shape and then the S-shape continuing downwardly from the first end at an acute angle to the straight edge to a valley and then upwardly to a rounded peak and then downwardly to a second end. Applicant's independent claim 1 has also been amended to further define the rounded edge of the tool as being parallel to the undulations, the rounded edge being disposed on a side of the member opposite the straight edge and having an end continuous with the second end of the S-shape of the fingernail edge.

The construction recited in applicant's amended independent claim 1 is not taught or suggested by the cited art of record. In particular, the references cited by the Examiner fail to show or suggest the specific configurations of the fingernail edge and the rounded edge recited in applicant's amended independent claim 1. The Examiner has acknowledged that the Peterson patent does not disclose a fingernail edge having an S-shape curvature, the rounded edge, edges having sinuous curvature or a sharp tip formed at an intersection of a straight edge and an end of the fingernail edge making an acute angle. However, the Examiner has argued that the Killins patent shows in FIG. 3 a tool having a fingernail edge, i.e. the rightmost edge,

intersecting the straight edge, i.e. the bottommost edge, having an S-shape and sinuous curvature and intersecting the straight edge at an end of the S-shape, and a rounded edge, i.e. the uppermost edge, disposed on a side of the member opposite the straight edge. In response to applicant's arguments submitted on March 28, 2006, the Examiner has argued that the "S-shape" of Killins in FIG. 3 appears to be stretched out in a longitudinal direction or alternatively it appears that the last curve of the "S-shape" is extended. The Examiner has also argued that the Darrin patent teaches a scraper tool which includes a fingernail edge intersecting the straight edge (including edges 4, 5, 9), the fingernail having an "S-shape" (see Fig. 4) and intersecting the straight edge at an end of S-shape making an acute angle with the straight edge (12).

Applicant respectfully disagrees with the Examiner's arguments and believes that the rightmost edge shown in FIG. 3 of Killins does not have an "S-shape" edge. However, in order to further expedite the prosecution of the present application, applicant has clarified the S-shape of the fingernail edge of applicant's tool in applicant's independent claim 1, and submits that none of the references cited by the Examiner, in particular, the Killins and the Darrin patents, show or suggest the fingernail edge intersecting the straight edge at a first end of the S-shape and then the S-shape continuing downwardly from the first end at an acute angle to the straight edge to a valley and then upwardly to a rounded peak and then downwardly to a second end. Instead, the rightmost edge shown in FIG. 3 of the Killins patent has a completely different configuration that continues in a flat line from the end intersecting the straight bottommost edge, then goes downwardly to a valley and then upwardly and ends in a second straight line. The configuration of the fingernail edge in the Darrin patent is also completely different from applicant's claimed S-shape configuration. The fingernail edge (4, 5 and 9) in Darrin first

continues slightly upwardly from the first end (12) at an angle to the straight edge (2) to a rounded peak (15), then continues downwardly until an intersection (at 13) with a flat line (5) and thereafter in a downwardly direction (4). Accordingly, neither the Killins patent nor the Darrin patent teach or suggest the specific configuration of the S-shaped fingernail edge recited in applicant's amended independent claim 1.

Moreover, the references cited by the Examiner also fail to teach or suggest the rounded edge having an end continuous with the second end of the S-shape of the fingernail edge. Specifically, in FIG. 3 of the Killins patent, the rounded edge (uppermost edge) intersects the rightmost edge at a point, and in the Darrin patent, the end of the fingernail edge is continuous (at 8) with a substantially straight-line edge which does not have a rounded configuration. Accordingly, there is no teaching or suggestion in the Killins or the Darrin patents of the specific configuration of the rounded edge that has an end continuous with the second end of the S-shape of the fingernail edge, as recited in applicant's amended independent claim 1.

Applicant's amended independent claim 1, which recites a fingernail edge intersecting the straight edge, the fingernail edge having an S-shape and sinuous curvature, the fingernail edge intersecting the straight edge at a first end of the S-shape and then the S-shape continuing downwardly from the first end at an acute angle to the straight edge to a valley and then upwardly to a rounded peak and then downwardly to a second end, and a rounded edge parallel to the undulations, the rounded edge disposed on a side of the member opposite the straight edge and having an end continuous with the second end of the S-shape of the fingernail edge, and its respective dependent claims, thus patentably distinguish over the Peterson, the Killins, patent and the Darrin patents, taken alone or in combination. Moreover, there is nothing added in the Sheridan patent or the Houghton patent to change this conclusion.

Moreover, applicant believes that the Peterson patent fails to show or suggest a lip recited applicant's claim 3. Accordingly, applicant's claim 3 further patentably distinguishes over the cited references.

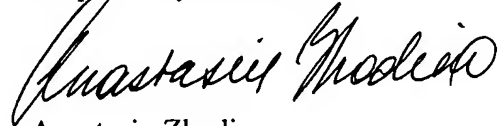
In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

A Request for a Telephone Interview is also enclosed herewith. The Request asks the Examiner to permit applicant's undersigned attorney to conduct a telephone interview with the Examiner in the event a further explanation of applicant's arguments are needed in order to obtain allowance of the application.

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COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, New York 10036
T (212) 790-9286

Respectfully submitted,



Anastasia Zhadina
Reg. No. 48,544
Attorney of Record